



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,929	09/09/2003	Kevin Lym	SONY-26100	3117
Jonathan O. Owens 7590 HAVERSTOCK & OWENS LLP 162 North Wolfe Road Sunnyvale, CA 94086				
EXAMINER				
MENDOZA, JUNIOR O				
ART UNIT		PAPER NUMBER		
2423				
MAIL DATE		DELIVERY MODE		
01/19/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/658,929  
Filing Date: September 09, 2003  
Appellant(s): LYM, KEVIN

\_\_\_\_\_  
Jonathan O. Owens  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/28/2010 appealing from the Office action mailed 06/18/2010.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

Claims 1-54 are currently pending.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

2004/0098379	Huang	05-2004
2002/0022453	Balog et al.	02-2002
2003/0167318	Robbin et al.	09-2003
6,253,207	Malek et al.	06-2001
7,043,477	Mercer et al.	05-2006
6,708,217	Colson et al.	03-2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (Pub No US 2004/0098379) in view of Balog et al. (Pub No US 2002/0022453). Hereinafter referenced as Huang and Balog, respectively.

Regarding **claim 1**, Huang discloses an apparatus for automatically routing digital information (Paragraph [0016]), comprising:

a. an interface coupled to receive downloaded digital information having a type (Paragraph [0018]);

b. a storage device coupled to the interface to store the digital information (Paragraphs [0016] [0021] also exhibited on fig 3);

a controller coupled to the storage device to automatically sort the digital information based on the type to one or more memory locations (Paragraphs [0016] [0021] also exhibited on figures 3 and 4).

However it is noted that Huang fails to explicitly disclose a routing software, wherein the routing software detects one or more secondary devices coupled to a computing device and to compare the type with a set of values that determine where the digital information is to be transmitted; and selectively transmitting digital information based on the type to the one or more secondary devices coupled to the computing device detected by the routing software.

Nevertheless, in a similar field of endeavor Balog discloses a routing software, wherein the routing software detects one or more secondary devices coupled to a

computing device and to compare the type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

and selectively transmitting digital information based on the type to the one or more secondary devices (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

coupled to the computing device detected by the routing software (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claim 5**, Huang and Balog disclose the apparatus as claimed in claim 1; moreover, Huang discloses that the digital information comprises media content including music, videos, and data (Paragraph [0016]).

Regarding **claim 6**, Huang and Balog disclose the apparatus as claimed in claim 1; moreover, Huang disclose that the controller utilizes a routing table to route the digital information (Paragraph [0021] also exhibited on fig 3; content is automatically distributed to different destination paths within memory; i.e. folders, depending on the file type).

However it is noted that Huang is silent to explicitly disclose utilizing a routing table to route the digital information.

Nevertheless, in a similar field of endeavor Balog discloses utilizing a routing table to route digital information (Paragraphs [0031] [0034]; user may define a list of preferred devices and create a mapping of the type of content that should be routed to each devices).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claim 7**, Huang and Balog disclose the apparatus as claimed in claim 6; moreover, Huang disclose that the routing table further comprises a file type column and a memory location column (Paragraph [0021] also exhibited on fig 3, the location, i.e. folder, of each data type depends and corresponds to the data type). Furthermore,

Balog also discloses that the routing table comprises a file type column and a location column (Paragraphs [0031] [0034]; user may define a list of preferred devices and create a mapping of the type of content that should be routed to each devices).

Regarding **claim 8**, Huang and Balog disclose the apparatus as claimed in claim 6; moreover, Huang disclose that the routing table utilizes meta data information within the digital information to route the digital information (Paragraphs [0016] [0020] and [0021] also exhibited on fig 3).

Regarding **claim 9**, Huang and Balog disclose the apparatus as claimed in claim 6; moreover, Huang disclose that the routing is user-defined (Paragraphs [0025] and [0026]). Furthermore, Balog also discloses that the routing table may be user defined (Paragraphs [0031] [0034]; user may define a list of preferred devices and create a mapping of the type of content that should be routed to each devices).

Regarding **claim 11**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang fails to explicitly disclose that the secondary devices include one or more of an mp3 player, a video recorder, and a handheld.

Nevertheless, in a similar field of endeavor Balog discloses that secondary devices include one or more of an mp3 player, a video recorder, and a handheld (Paragraph [0022] figure 1).



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of supporting different types of content to be processed by the same device, which would motivate the user to buy a device capable of multitasking, sorting and distributing different types of data implementing the same device.

Regarding **claim 12**, Huang discloses an apparatus for automatically routing digital information from a computing device to one or more memory locations (Paragraph [0016]), comprising:

an interface coupled to receive downloaded digital information having a type (Paragraph [0018]);

storage device coupled to the interface to store the digital information (Paragraphs [0016] [0021] also exhibited on fig 3);

a controller coupled to the storage device to automatically determine which type of digital information is routed to which memory location (Paragraphs [0016] [0021] also exhibited on figures 3 and 4);

a controller coupled to the storage device to automatically distribute the digital information to the one or more memory locations based on the type (Paragraphs [0016] [0021] also exhibited on fig 3).

However it is noted that Huang fails to explicitly disclose a routing software, wherein the routing software detects one or more secondary devices coupled to a computing device and to compare the type with a set of values that determine where the digital information is to be transmitted; and a controller to selectively transmit digital information based on the type to one or more secondary devices coupled to a computing device detected by the routing software.

Nevertheless, in a similar field of endeavor Balog discloses a routing software, wherein the routing software detects one or more secondary devices coupled to a computing device and to compare the type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

and a controller to selectively transmit digital information based on the type to one or more secondary devices (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

coupled to a computing device detected by the routing software (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external

devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claims 16, 17, 18, 19, 20 and 21**, Huang and Balog disclose all the limitations of claims 16, 17, 18, 19, 20 and 21; therefore, claims 16, 17, 18, 19, 20 and 21 are rejected for the same reasons stated in claims 5, 6, 7, 8, 9 and 11, respectively.

Regarding **claims 22, 26, 27, 28, 29 and 30**, Huang and Balog disclose all the limitations of claims 22, 26, 27, 28, 29 and 30; therefore, claims 22, 26, 27, 28, 29 and 30 are rejected for the same reasons stated in claims 12, 5, 7, 8, 9 and 11, respectively.

Regarding **claim 41**, Huang discloses a method for routing digital information from a computing device to one or more memory locations (Paragraph [0016]), comprising:

receiving the digital information having the type (Paragraph [0018]);

automatically sorting the digital information based on the type (Paragraphs [0016] [0021] also exhibited on fig 3);

and automatically distributing the digital information to a corresponding one or more of the memory locations based on the type (Paragraphs [0016] [0021] fig 3).

However it is noted that Huang fails to explicitly disclose routing digital information based on a routing software that compares a type with a set of values that determine where the digital information is to be transmitted; automatically detecting the secondary devices coupled to the computing device; and transmitting the digital information based on the type to a corresponding one or more secondary device coupled to the computing device detected by the routing software.

Nevertheless, in a similar field of endeavor Balog discloses routing digital information based on a routing software that compares a type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

automatically detecting the secondary devices coupled to the computing device (Paragraphs [0023] [0029] [0036] figure 5; routine software represented by figure 5 clearly depicts in steps 120 and 130 that a system routing software creates a list of available devices 16 which may receive content and a mobility server 34 determines 130 the status of the available devices 16);

and transmitting the digital information based on the type to a corresponding one or more secondary device (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

coupled to the computing device detected by the routing software (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claim 52**, Huang and Balog disclose all the limitations of claim 52; therefore, claim 52 is rejected for the same reasons stated in claims 1 and 5.

3. **Claims 2, 13, 23, 31 – 33, 37, 40 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Malek et al (Patent No US 6,253,207). Hereinafter referenced as Malek.

Regarding **claim 2**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang and Balog fail to explicitly disclose that the digital information is downloaded from a server to the storage device.

In a similar field of endeavor Malek discloses that the digital information is downloaded from a server to the storage device (Server [120] may be embodied as a file server, a music server or a video server, column 4 lines 46-51 figures 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such

element, as taught by Malek, for the purpose of providing an external source of information which has the potential to provide enormous amounts of data which can be requested by the user at any time.

Regarding **claims 13 and 23**, Huang, Balog and Malek disclose all the limitations of claims 13 and 23; therefore, claims 13 and 23 are rejected for the same reasons stated in claim 2.

Regarding **claim 31**, Huang discloses a network of devices for automatically routing digital information (Paragraph [0016]), comprising:

a computing device for obtaining and automatically routing the digital information based on the type (Paragraphs [0016] [0018] [0021] also exhibited on figures 3 and 4);

one or more memory locations for receiving the digital information from the computing device (Paragraphs [0016] [0021] also exhibited on figures 3 and 4).

However it is noted that Huang fails to explicitly disclose a computing device for transmitting digital information based on the type, the computer device comprising routing software to compare a type with a set of values that determine where the digital information is to be transmitted;

one or more secondary devices coupled to the computing device for receiving the digital information; wherein the routing software detects the secondary devices coupled to a computing device.

Nevertheless, in a similar field of endeavor Balog discloses a computing device for transmitting digital information based on the type, the computer device comprising routing software to compare a type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

one or more secondary devices coupled to the computing device for receiving the digital information; wherein the routing software detects the secondary devices coupled to a computing device (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

However it is noted that Huang and Balog fail to explicitly disclose a computing device coupled to the server, the server including digital information.

Nevertheless, in a similar field of endeavor Malek discloses a computing device coupled to the server, the server including digital information (Server [120] may be embodied as a file server, a music server or a video server, where the multimedia traffic handler [400] routes data; column 4 lines 46-51 also exhibited on figures 1, 3 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Malek, for the purpose of providing an external source of information which has the capabilities of transmitting vast amounts of data to different users.

Regarding **claims 32, 33 and 40**, Huang, Balog and Malek disclose all the limitations of claims 32, 33 and 40; therefore, claims 32, 33, 34 and 40 are rejected for the same reasons stated in claims 5, 1 and 11, respectively.

Regarding **claim 37**, Huang, Balog and Malek disclose the network of devices as claimed in claim 31; moreover, Huang discloses that the computing device is a personal computer (Paragraphs [0016] [0029]). Furthermore, Balog also discloses that the computing device is a personal computer (Paragraph [0040]).

Regarding **claim 42**, Huang, Balog and Malek disclose all the limitations of claim 42; therefore, claim 42 is rejected for the same reasons stated in claim 2.



4. **Claims 3, 4, 14, 15, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Mercer et al (Patent No US 7,043,477). Hereinafter referenced as Mercer.

Regarding **claim 3**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang and Balog fail to explicitly disclose that the storage device is a hard disk drive.

Nevertheless, in a similar field of endeavor Mercer discloses that the storage device is a hard disk drive (A computer includes a hard disk drive [154] for storage, column 17 lines 48-64 also exhibited on figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Mercer, for the purpose of providing non-volatile storage that will store content.

Regarding **claim 4**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang and Balog fail to explicitly disclose that the storage device is a semiconductor memory.

Nevertheless, in a similar field of endeavor Mercer discloses that the storage device is a semiconductor memory (A computer includes a system memory [134] which consist of ROM [138] and RAM [140], column 17 lines 34-47 figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Mercer, for the purpose of providing volatile storage that will momentarily store or buffer data in order to allow a computer system to process information efficiently.

Regarding **claims 14 and 15**, Huang, Balog and Mercer disclose all the limitations of claims 14 and 15; therefore, claims 14 and 15 are rejected for the same reasons stated in claims 3 and 4, respectively.

Regarding **claims 24 and 25**, Huang, Balog and Mercer disclose all the limitations of claims 24 and 25; therefore, claims 24 and 25 are rejected for the same reasons stated in claims 3 and 4, respectively.

5. **Claims 10, 43, 44, 45 and 47 – 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Robbin et al. (Pub No US 2003/0167318). Hereinafter, referenced as Robbin.

Regarding **claim 10**, Huang and Balog disclose the apparatus as claimed in claim 1; moreover, Balog discloses that a controller that detects one or more secondary

devices (Paragraphs [0023] [0036] [0038] figure 5; determined device status information, steps 120 and 130).

However it is noted that Huang and Balog are silent to explicitly disclose automatically detecting one or more secondary devices.

Nevertheless, in a similar field on endeavor Robbin discloses automatically detecting one or more secondary devices (Paragraphs [0010] [0031]; detecting device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Robbin, for the purpose of automatically updating and transferring the new content, which allows the device to self update every time it gets connected to a computer, saving a lot of time to the user.

Regarding **claim 43**, Huang, Balog and Robbin disclose all the limitations of claim 43; therefore, claim 43 is rejected for the same reasons stated in claim 10.

Regarding **claim 44**, Huang and Balog disclose the apparatus as claimed in claim 41; however, it is noted that Huang and Balog fail to explicitly disclose storing the digital information in the computing device until the corresponding one or more of the secondary devices is coupled to the computing device.

Nevertheless, in a similar field on endeavor Robbin discloses storing the digital information in the computing device until the corresponding one or more of the secondary devices is coupled to the computing device (Paragraph [0033] fig 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Robbin, for the purpose of automatically updating and transferring the new content, which allows the device to self update every time it gets connected to a computer, saving a lot of time to the user.

Regarding **claim 45**, Huang discloses a method for routing digital information from a computing device to one or more memory locations (Paragraph [0016]), comprising:

receiving the digital information having a type (Paragraph [0018]);

automatically sorting the digital information based on the type (Paragraphs [0016] [0021] also exhibited on fig 3);

and automatically distributing the digital information to a corresponding one or more of the memory locations based on the type (Paragraphs [0016] [0021] fig 3).

However it is noted that Huang fails to explicitly disclose detecting secondary devices coupled to the computing device with routing software that compares the type with a set of values that determine where the digital information is to be transmitted; and transmitting the digital information to a corresponding one or more secondary device.

Nevertheless, in a similar field of endeavor Balog discloses detecting secondary devices coupled to the computing device (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130)

with routing software that compares the type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

and transmitting the digital information to a corresponding one or more secondary device (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc., to devices 16 based on file type and device capabilities).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

However it is noted that Huang and Balog are silent to explicitly disclose automatically detecting secondary devices.

Nevertheless, in a similar field on endeavor Robbin discloses automatically detecting secondary devices (Paragraphs [0010] [0031]; detecting device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Robbin, for the purpose of automatically updating and transferring the new content, which allows the device to self update every time it gets connected to a computer, saving a lot of time to the user.

Regarding **claims 47, 48, 49 and 50**, Huang, Balog and Robbin disclose all the limitations of claims 47, 48, 49 and 50; therefore, claims 47, 48, 49 and 50 are rejected for the same reasons stated in claim 44.

6. **Claims 34 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Balog and Malek further in view of Robbin.

Regarding **claim 34**, Huang, Balog, Malek and Robbin disclose all the limitations of claim 34; therefore, claim 34 is rejected for the same reasons stated in claim 10.

Regarding **claim 51**, Huang, Balog, Malek and Robbin disclose all the limitations of claim 51; therefore, claim 51 is rejected for the same reasons stated in claim 44.

7. **Claims 35, 36, 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Balog, Malek further in view of Mercer.

Regarding **claims 35 and 36**, Huang, Balog and Mercer disclose all the limitations of claims 35 and 36; therefore, claims 35 and 36 are rejected for the same reasons stated in claims 3 and 4, respectively.

Regarding **claim 38**, Huang, Balog and Malek disclose the network of devices as claimed in claim 31; however, it is noted that Huang, Balog and Malek fail to explicitly disclose that the computing device is a set-top box.

Nevertheless, in a similar field of endeavor Mercer discloses that the computing device is a set-top box (Computer [130] can also be a set top box, column 19 lines 10-28 also exhibited on figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang, Balog and Malek by specifically providing such element, as taught by Mercer, for the purpose of providing more advertisement flexibility from a sales point of view, in other words, using a set top box as a data sorter would allow more marketability due to the additional functions that such device could be able to process.

Regarding **claim 39**, Huang, Balog and Malek disclose the network of devices as claimed in claim 31; however, it is noted that Huang, Balog and Malek fail to explicitly disclose that the computer device further comprises a modem device for coupling to the server.

Nevertheless, in a similar field of endeavor Mercer discloses that the computer device further comprises a modem device for coupling to the server (Computer [130] includes a modem [178] for establishing communication over a network, column 18 lines 40-55 also exhibited on figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang, Balog and Malek by specifically providing such element, as taught by Mercer, for the purpose of providing a way to communicate to different remote server over long distances at reasonable speeds, which allows a user to transmit and receive data as needed.

8. **Claim 46** is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Balog and Robbin further in view of Malek.

Regarding **claim 46**, Huang, Balog, Robbin and Malek disclose all the limitations of claim 46; therefore, claim 46 is rejected for the same reasons stated in claim 2.

9. **Claims 53 and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Colson et al. (Patent No US 6,708,217). Hereinafter referenced as Colson.

Regarding **claim 53**, Huang and Balog disclose all the limitations of claim 53; therefore, claim 53 is rejected for the same reasons stated in claim 41. Huang and Balog disclose sorting and distributing digital information based on media type; however, they are silent to disclose distributing digital information based on data format.



Nevertheless, in a similar field of endeavor Colson discloses distributing digital information based on data format (See abstract, col. 7 lines 45-67 and figure 3; distributing and routing data to different rendering devices based on content format as shown by routing table 300).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Colson, for the predictable result of distributing content to devices which have the necessary capabilities to render a given digital file in an efficient manner.

Regarding **claim 54**, Huang and Balog disclose all the limitations of claim 54; therefore, claim 54 is rejected for the same reasons stated in claims 12 and 7. Huang and Balog disclose sorting and distributing digital information based on media type; however, they are silent to disclose distributing digital information based on data format.

Nevertheless, in a similar field of endeavor Colson discloses distributing digital information based on data format (See abstract, col. 7 lines 45-67 and figure 3; distributing and routing data to different rendering devices based on content format as shown by routing table 300). Furthermore, Colson also discloses a routing table with a data format column (content type 301) and a device column (content rendered 302) (Figure 3; table 300).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Colson, for the predictable result of distributing content to devices which have the necessary capabilities to render a given digital file in an efficient manner.

**(10) Response to Argument**

Appellant's arguments filed 10/28/2010 have been fully considered but they are not persuasive.

- **(ARGUMENT – 1) With respect to claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52, the appellant argues that Huang does not teach wherein the routing software detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see argument 1 – page 7.**

Regarding claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52, the appellant submits that Huang does not teach wherein the routing software detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Therefore, the examiner would like to point out that the Balog reference was relied upon in order to meet the argued features, see below.

- **(ARGUMENT – 2) With respect to claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52, the appellant argues that Balog does not teach wherein the routing software detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see argument 2 – page 8.**

Regarding claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52, the appellant submits that Balog merely teaches that the devices self-register with the server 34; hence, the appellant concludes that the mobility server 34 does not have to try and detect any coupled devices, because the devices self registers with the server 34. The appellant deduces that a device that self registers is not the same as implementing a routing software being configured to actively detect any devices coupled to a computing device, see page 9 lines 5-10 of arguments.

However, the examiner respectfully disagrees with the appellant. Balog teaches a content routing scheme for delivering content to a plurality of external devices 16 based on a user defined list of preferred devices 16 and a created mapping profile of the type of content that each of the devices is capable of rendering, see paragraphs [0030] [0031] and figures 2 and 6. The service provider 12 includes a content server 22 which may provide video streaming, photos, email, audio content, html content, etc, to the devices 16 within the network 10, see paragraphs [0024] [0033].

In fact, Balog clearly discloses step 130 "Is any device available" in figure 5 of the reference, for determining the status of the available devices 16, see paragraph [0036] last two lines. Balog further teaches that the status for devices 16 may be in a parked status, i.e. in standby/dormant mode, or in active status and ready to receive the distributed content in step 200 after establishing a channel 190, see paragraphs [0035] [0036] and figure 5; which shows that the server of Balog does indeed "detect" devices couple to the server compute

The appellant's specification merely identifies the detection of secondary devices and does not provide a special definition or an exclusive description for the detection of secondary devices, as stated on appeal brief pages 3-4 and as described on the specification page 6 lines 18-19. Hence, the examiner has taken the broadest reasonable interpretation in light of the specification for a routing software which "detects one or more secondary devices"; as the status determination step 130 (figure 5 paragraph [0036]) of Balog. Indeed, the examiner points out that the claimed features do not define or illustrate how and at what point in time the secondary devices are "detected". Therefore, the claimed feature which "detects one or more secondary devices" is not patentably distinct from that of Balog (see figure 5 – step 130). Because Balog teaches determining the status of devices 16 it must also inherently detect the device in order to correlate devices 16 with server 34 for content routing.

Furthermore, the examiner would like to point out that the device self-registration feature argued by the appellant and the availability detection step 130 of Balog are independent of each other, since these are separate teachings which occur at different

points in time of the routing scheme of Balog. For example, Balog states that the device 16 is preferably configured to register its location with the mobility server 34 every time it moves into the connectivity area of a new access point 20, see paragraph [0036]; which is independent of detecting the status of a device 16, whether active or dormant, as taught by step 130 of figure 5. More importantly, neither the registering nor the detection status of device 16 are not precluded in the instant claims.

Therefore, the cited sections of Balog clearly teaches a routing software (figure 5), wherein the routing software detects (step 130, figure 5) one or more secondary devices (devices 16) coupled to a computing device (service provide 42 which includes a mobility server 34) and to compare the type (i.e. video streaming, photos, email, audio content, html content, etc) with a set of values (preferred device 16 mapping profile) that determine where the digital information is to be transmitted.

- **(ARGUMENT – 3) With respect to claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52, the appellant argues neither Huang, Balog nor their combination teach wherein the routing software detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see argument 3 – page 10.**

The appellant repeats the arguments made against the rejection of claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52 in arguments 1 and 2. Clearly the combination of Huang and Balog teach the claimed features as stated in the last mailed office action. The examiner would like to point to the response to arguments 1 and 2 starting in page 25.

- **(ARGUMENTS – 4a, 4b, 4c, 4d and 4e) With respect to claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52, the appellant argues neither Huang, Balog nor their combination teach wherein the routing software detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see arguments page 11-14.**

The appellant repeats arguments 1 – 3 for independent claims 1, 12, 22, 41 and 52; since, claims 5-9 and 11 are dependent upon independent claim 1; claims 16 - 21 are dependent upon independent claim 12; and claims 26-30 are dependent upon independent claim 22. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

- **(ARGUMENTS – 5, 6, 7, 8a-8e) With respect to claims 2, 13, 23, 31-33, 37, 40 and 42, the appellant argues neither Huang, Balog, Malek nor their combination teach a routing software that detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see arguments page 14-17.**

The appellant repeats arguments 1 – 3 for claims 2, 13, 23, 31-33, 37, 40 and 42.  
The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

- **With respect to claims 3, 4, 14, 15, 24 and 25, the appellant argues the rejection over Huang, Balog and Mercer, see arguments page 17 18.**

The appellant repeats arguments 1 – 3 for claims 3, 4, 14, 15, 24 and 25; since, claims 3 and 4 are dependent upon independent claim 1; claims 14 and 15 are dependent upon independent claim 12; and claims 24 and 25 are dependent upon independent claim 22. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.



- **(ARGUMENTS – 9, 10, 11, 12a-12e) With respect to claims 10, 43-45 and 47-50, the appellant argues neither Huang, Balog, Robbin nor their combination teach a routing software that detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see argument page 18-21.**

The appellant repeats arguments 1 – 3 for claims 10, 43-45 and 47-50. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

- **With respect to claims 34 and 51, the appellant argues the rejection over Huang, Balog, Malek and Robbin, since claims 34 and 51 depend from independent claim 31, see argument page 21.**

The appellant repeats arguments 1 – 3 for independent claim 31. Hence dependent claims 34 and 51 are properly rejected. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

- **With respect to claims 35, 36, 38 and 39, the appellant argues the rejection over Huang, Balog, Malek and Mercer, since claims 35, 36, 38 and 39 depend from independent claim 31, see argument page 21.**

The appellant repeats arguments 1 – 3 for independent claim 31. Hence dependent claims 35, 36, 38 and 39 are properly rejected. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

- **With respect to claim 46, the appellant argues the rejection over Huang, Balog, Robbin and Malek, since claim 46 depends from independent claim 45, see argument page 22.**

The appellant repeats arguments 1 – 3 for independent claim 45. Hence dependent claim 46 is properly rejected. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

- **(ARGUMENTS – 13, 14, 15, 16a, 16b) With respect to claims 53 and 54, the appellant argues neither Huang, Balog, Colson nor their combination teach a routing software that detects the secondary devices coupled to the computer and to compare the type with a set of values that determine where the digital media content is to be transmitted, see argument pages 22-25.**

The appellant repeats arguments 1 – 3 for claims 53 and 54. The examiner would like to point to the response to arguments 1 - 3 in page 25 – 29.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Junior O Mendoza/  
Examiner, Art Unit 2423

Conferees:

Andrew Koenig  
/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423

John Miller  
/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421